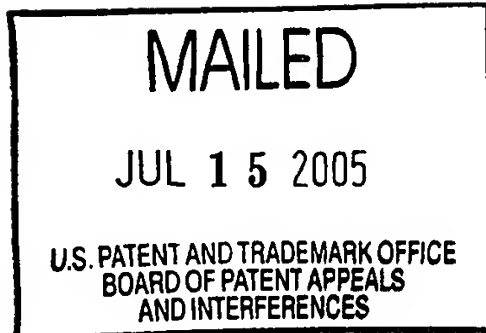


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parteSHAUD CARL KERIGAN
and
JAMES ERROL HARRIS, JR.

Application 09/315,656

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

A review of the record indicates that in the Final Rejection mailed January 27, 2004, the following rejections were made:

1. Claims 1-6, 8-18,¹ 20-22 are still rejected under 35 U.S.C. 102(e) . . . ; and
2. Claims 7,² and 19 are rejected under 35 U.S.C. 103(a)

However, on pages 3 through 6 of the Examiner's Answer mailed September 23, 2004 under the caption "Grounds of Rejection," the examiner lists the following rejections:

1. Claims 13-22 only remain rejected under 35 U.S.C. 102(e) . . . ; and
2. Claim 19 are [sic] rejected under 35 U.S.C. 103(a)

Clarification is required regarding the status of claim 19. If claim 19 remains as part of the 35 U.S.C. 102(e) rejection, this would constitute a new ground of rejection and the Examiner's Answer mailed September 23, 2004 would need to be vacated and prosecution reopened.

In addition, section 707.08 of the Manual of Patent Examining Procedure (MPEP (Eighth Edition, Rev. 2, May 2004)) states:

¹It is noted that claims 1-12 were cancelled by an amendment filed March 26, 2004.

²See footnote 1.

707.08 Reviewing and Initialing by Assistant Examiner

The full surname of the examiner who prepares the Office action will, in all cases, be typed at the end of the action. . . .

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If this examiner does not have the authority to sign the action, he or she should initial above the typed name or initials

The Examiner's Answer mailed September 23, 2004 is deficient in that there is no signature or initials for Jenise E. Jackson. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for clarification regarding the status of claim 19 in the 35 U.S.C. 102(e) rejection;
2. for taking corrective action regarding the signature or initials of Jenise E. Jackson in the Examiner's Answer mailed September 23, 2004; and

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4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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